

CRS report: Congress can require Keystone oil pipeline approval

By Ben Geman - 01/21/12 05:05 PM ET

Capitol Hill lawmakers probably have the Constitution at their back if they require a permit for the Keystone XL oil sands pipeline that President Obama rejected days ago, according to the nonpartisan Congressional Research Service.

Republicans are mulling bills that require approval of Keystone XL, which would bring oil sands crude from Alberta to Gulf Coast refineries.

The Jan. 20 CRS legal analysis notes that while the executive branch has historically handled the approval of border-crossing facilities, it doesn't have to be that way. "[I]f Congress chose to assert its authority in the area of border crossing facilities, this would likely be considered within its Constitutionally enumerated authority to regulate foreign commerce," the analysis states.

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